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SCHOOL & MASS EDUCATION DEPARTMENT

NOTIFICATION

The 1st July, 2014

No.14081-II-SME-CP-12/2014/SME.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha hereby makes the following rules further to amend the Odisha Elementary Education (Method of recruitment and conditions of Service of Teachers and Officers) Rules, 1997, namely:—

1. (1) These rules may be called the Odisha Elementary Education (Method of recruitment and conditions of Service of Teachers and Officers) Amendment Rules, 2014.

(2) They shall come into force from the date of their publication in the *Odisha Gazette*.

2. In the Odisha Elementary Education (Method of Recruitment and Conditions of Service of Teachers and Officers) Rules, 1997 (hereinafter referred to as the said rule), in sub-rule-(1) of rule 2,—

(a) for clause (f), the following clause shall be substituted, namely:—

“(f) “Post” means the posts of Assistant Teachers, Headmasters/Headmistress of the Government Primary and Upper Primary Schools, Assistant Block Education Officers, Block Education Officers, Addl. District Education Officers and such other post as may be notified by the Government from time to time.”;

(b) for clause (j), the following clause shall be substituted, namely:—

“(j) “Sub-ordinate Office” means the office of the Block Education Officer, Headmasters or Headmistress of the Government Primary and Upper Primary (M.E.) Schools and such other Officers as may be determined by the Government from time to time.”;

(c) for clause (l), the following clause shall be substituted, namely :—

"(I)"Upper Primary Schools" means the schools having classes up to VIII."

3. In the said rules, in rule-3,—

(a) in sub-rule (1), after clause-(v), the following clause shall be inserted, namely:—

"(vi) The Odisha Elementary Education Service Level-I (Senior)";

(b) in sub-rule (2),—

(i) (in clause iii) sub-clauses (b) and (c) shall be omitted

(ii) For clause (iv) following clause shall be substituted, namely :—

"(iv) The Odisha Elementary Education Service, Level-II shall consist of the following categories of posts , namely :—

(a) Assistant Block Education Officer.

(b) Such other posts as the Govt. may from time to time determine"

(iii) for clause-(v), the following clause shall be substituted, namely :—

"(v)" The Odisha Elementary Education Service, Level-I shall consist of the posts of "Block Education Officer" and such other posts as the Government may, from time to time, determine".; and

(iv) after clause (v), the following clause shall be inserted, namely :—

"(vi) The Odisha Elementary Education Service, Level-I (Senior) shall consist of the posts of "Additional District Education Officer" and such other posts as Government may from time to time determine".; and

(c) for sub rule (3), the following sub-rule shall be substituted, namely:—

"(3) "Level-I (Senior), Level-I and Level-II of the service shall separately constitute State Cadre and other levels of service shall separately constitute the revenue district cadre."

4. In the said rules, in rule-4,—

(a) for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(i) The District Education Officer of the respective Revenue District shall determine the number of existing vacancies by the end of each year and the vacancies likely to be caused by the end of the next year due to retirement and promotion etc. in respect of the posts belonging to Level-V, Level-IV and Level-III of the service".

(b) for sub-rule(2), the following sub-rule shall be substituted, namely:—

"(2)" The Director, Elementary Education shall determine the number of existing vacancies by the end of each year and the vacancies likely to be

caused due to retirement and promotion etc. in the next year in respect of the posts belonging to Level-II of the service."

(c) after sub-rule (2), the following sub-rule shall be inserted, namely:—

(3) The Government shall determine the number of existing vacancies by the end of the each year and the vacancies likely to be caused due to retirement and promotion etc. in the next year in respect of the Level-I and Level-I(senior) of the service."

5. In the said rules, in rule-5,—

(a) in sub-rule (1)(i), for sub-clause(b), the following sub-clause shall be substituted, namely:—

"(b) The Additional Secretary or joint Secretary or Deputy Secretary in-charge of Elementary Education shall be the member secretary of the committee".; and

(2) for sub-clause (c), the following sub-clause shall be substituted, namely: -

"(c)The State Level Committee shall select candidates for promotion from the posts belonging to Level-II to Level-I and Level-I to Level-I (Senior) of the service".

(d) in sub-rule (2), in clause (a)

For sub-clauses-(ii), (iii) and (iv) the following sub-clauses shall be substituted, namely:—

"(ii) One District Education Officer to be nominated by the Director as Member; .

(iii)One Block Education Officer to be nominated by the Director as Member; and

(iv) The Deputy Director, in-charge of Field Establishment in the Directorate of Elementary Education, shall act as Member-Secretary of the Committee".

(c) in sub-rule(3),in clause(a)

(i) for sub-clauses (i) and (iv) the following sub-clauses shall be substituted, namely:—

"(i) The District Education Officer of the concerned Revenue District shall be the Chairman.

(iv) One of the Block Education Officer of the concerned Revenue District shall be nominated by the District Education Officer as member".

- (ii) for clause (b), the following clause shall be substituted, namely:—
“(b) This Committee shall select the candidates to the posts belonging to Level-IV and Level-III of the service”;
- (iii) for clause (c), the following clause shall be substituted, namely: -
“(c) The Addl. District Education Officer (Elementary) of the concerned Revenue District shall be the Member Secretary of the Committee”.

6. In the said rules, in rule 6; —

(a) for sub-rule (1), the following sub-rules shall be substituted, namely:—

“(1)(a) Vacancies in the posts belonging to Level-V of the service shall be filled up by way of absorption of Trained Junior Teachers as selected by the committee comprising of following members, namely: -

- (i) Collector-*cum*-Chief Executive Officer,
Zilla Parishad of the District - Chairman.
- (ii) District Project Co-ordinator,
SSA of the District - Member
- (iii) District Education Officer - Member Convenor
- (iv) District Welfare Officer - Member
- (v) Block Education Officer of the
concerned Block - Member

(b) On such description under clause (a) the primary school teacher shall function under Zilla parishad

Explanation - Junior teacher means the teacher appointed under the Resolution No.15107 dated the 1st August, 2011 of the Government of Odisha issued in School Mass Education Department as amended from time to time.

(c) As nearly as 48.40% but not more than 49%(Forty nine per centum) of the post of Block Education Officer(Level-I) shall be filled up by the members of the level-II of the service:

Provided that out of the said percentage of posts 2/3rd posts shall be filled up by way of promotion from Members of Level-II and 1/3rd posts by way of direct recruitment through Odisha Public Service

Commission extending scope to the existing qualified teachers to participate in the competitive examinations.

- (d) 20% of the post of Additional District Education Officer (Level-I Senior) shall be filled up by promotion from members of Level-I of the service:

Provided that the post may be filled up on deputation basis from any similar service of the Government in exigencies of public service, if required, and the period of deputation shall be ordinarily for three years or availability of eligible officers in the cadre, whichever is earlier".

(1-a) Vacancies in the posts belonging to Level-IV, III and II shall be filled up on promotion.

7. In the said rule, rule-7 shall be omitted.

8. In the said rules, in rule-9,-

- (a) for sub-rule(1), the following sub-rule shall be substituted, namely :-

"(1)The Committee within their respective power shall draw up lists of all eligible candidates suitable for promotion, as the case may be, from Level-V to Level-IV, Level-IV to Level-III, Level-III to Level-II, Level-II to Level-I and Level-I to Level-I (Senior) of the service".

- (b) for sub-rule(2), the following sub-rule shall be substituted, namely :—

"(2) The list containing the names of the eligible candidates for promotion to the posts belonging to Level-I (Senior) from Level-I and Level-I from Level-II of the service prepared by the respective Committee shall be sent to the Odisha Public Service Commission and after concurrence of the Commission, the said list shall be treated as final select list and appointment shall be made by Government from that list".

- (c) for sub-rule (5), the following sub-rule shall be substituted, namely :—

" (5) After its approval by the Director, Elementary Education for promotion from Level-V to Level IV and Level IV to Level III of the service the District Education Officer shall make necessary allotment to the Block Education Officer and appointment orders shall be issued by the respective Block Education Officer".

9. In the said rules, in rule 11,—

(a) for sub-rule (1), the following sub-rule shall be substituted, namely: -

“(1) In order to be eligible for promotion to the posts belonging to Level-IV of the service a candidate must have served for a continuous period of four years in the posts belonging to Level-V of the service:

Provided that —

- (i) 50% of the vacancies shall be filled up by the candidates having passed High School Certificate or Higher Secondary (10+2) Examination with Secondary Teachers Training / Certified Teachers Course from any recognized Board or University or equivalent thereof.
- (ii) 50% of the vacancies shall be filled up by the candidates possessing a Bachelor Degree in any discipline with a Bachelor Degree in Education or an equivalent examination and training course from a recognized Board or University.”.

(b) for sub-rule (2), the following sub-rule shall be substituted, namely: -

“(2) In order to be eligible for promotion to Level-III of the service a candidate must have possessed a Bachelor Degree in any discipline with a Bachelor Degree in Education or an equivalent examination and training course from a recognized Board or University and have served for a continuous period of two years in the posts belonging to Level-IV of the service:

Provided that in case of non availability of adequate number of persons for promotion to Level-III of the service, six years of service in Level-IV and V shall be taken together for consideration of promotion but must have rendered at least one year service in Level-IV.

(b) in sub-rules (3) and (4), for the words “ three years”, the words two years shall respectively be substituted.

(c) after sub-rule (4) following sub-rule shall be inserted .

(4-a) In order to be eligible for promotion to Level-I (Senior) of the service, a candidate must have served for a continuous period of two years in the post belonging to Level-I of the service".

10. In the said rules, in rule 13, for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) The Government may bring any officer on deputation from any similar service of the Government in exigencies of public service, if required, and the period of deputation shall be ordinarily for three years or availability of eligible officers in the cadre, whichever is earlier".

11. In the said rules, in rule 15 -

(a) In sub-rule(1),-

(i) in clause (a), the words "District Inspector of Schools" shall be substituted as " District Education Officer" and the words "Education District" shall be substituted as "Revenue District"

(ii) in clause(c), for the words "District Inspector of Schools" the words District Education Officer" shall be substituted;

(iii) in clause (d), in sub-clause(ii), the figure "III" shall be omitted and after sub-clause (ii), the following sub-clause shall be inserted, namely:—

"(iii) While maintaining such gradation list in Level-V for teachers having B.Ed. qualification, the date of appointment in the service or date of passing B.Ed., whichever is later, shall be taken into consideration".

(b) in sub rule(3), in clause(a) after the words and figure Level-I the words and "Level-I (Senior)" shall be inserted;

(c) in sub-rule(5), -

(i) in clause(a), after the word "Level-I" the words and "Level-I (Senior)" shall be inserted.;

(ii) for clause(c), the following clause shall be substituted, namely: -

"(c) Persons on transfer to another Revenue District on his/her own request, shall be assigned the junior most place in the respective level of service of the concerned Revenue District on the date of his/her joining".

(d) in sub-rule (6), -

(i) in clause(b), after the words and figure "Level III", the words and figures "and Level-IV" shall be inserted

(ii) for *Explanation-I*, the following *Explanation*, shall be substituted, namely,—

"Explanation-I (a) -"All persons now working as primary school teachers under Zilla Parishad having requisite training qualification i.e. C.T. or B.Ed. shall be treated as member of Level-V of the service from the date of commencement of these rules. The seniority of such persons shall be determined with reference to the date of their appointment as primary teacher under Zilla Parishad".

(b) The *inter se* seniority shall be determined on the basis of merit list determined by the Committee.

(iii) *Explanation-VI and VII* shall be omitted.

By Order of the Governor

USHA PADHEE

Commissioner-*cum*-Secretary to Government